

**“Attachment – A”**  
**AFFIDAVIT OF PROBABLE CAUSE**

Your Affiants are Trooper Stephen POLISHAN, who is currently employed by the Pennsylvania State Police, assigned to the Criminal Investigation Unit, Troop "P" Wyoming and Detective Lt. Gary CAPITANO who is currently employed by the Luzerne County District Attorney's Office.

On 2/23/12, at approximately 1430 hours, Trooper Eugene Ondeck, PSP-Shickshinny, was contacted by Captain Lloyd Kerschner, Security Office, State Correctional Institution (SCI)-Retreat. Kerschner informed Ondeck that information was received that Michael Joseph Scerbo is attempting to solicit the murder of Paul Raymond Weakley. Scerbo is an inmate currently incarcerated at SCI-Retreat. Scerbo's release date is scheduled for 4/27/12.

Kerschner was interviewed by your affiants on 2/28/12. Kerschner informed your affiants that Scerbo and Selenski were both housed in the Restrictive Housing Unit (RHU) within SCI-Retreat during the time periods of 6/13/11-7/6/11 and 8/19/11-11/17/11. Scerbo's and Selenski's cell were adjacent to each other and they were able to communicate with each other. Scerbo made contact with an inmate who was purported to have a strong relationship to a known criminal gang based in Philadelphia City, Pa. Therefore, Scerbo believed that said inmate could easily arrange for the murder of Weakley because numerous associates of this criminal gang are incarcerated at numerous Federal Correctional Institutions throughout the United States. Paul Raymond Weakley is currently incarcerated at a Federal Correctional Institution in Arizona.

Scerbo requested said inmate to arrange for a visitation between Scerbo and a person who would be identified to Scerbo as an associate of the criminal gang. The inmate informed Scerbo that he could arrange the murder of Weakley through this associate. Said inmate provided Scerbo the information and instructed Scerbo to add this person to his visitation list which Scerbo did.

On 3/29/12, at approximately 1100 hours, Scerbo met with the person who he believed to be an associate with this criminal gang. This person was an undercover Pennsylvania State Trooper. The meeting was conducted within the authorized visitation area of SCI-Retreat. The meeting was subject to both audio and visual surveillance.

The following is a synopsis of that meeting and not the entire contents of what was discussed during the meeting: Scerbo indicated numerous times throughout the conversation with the undercover Pennsylvania State Trooper that he wanted Weakley murdered. Scerbo informed the undercover Pennsylvania State Trooper that Hugo Selenski was scheduled to stand trial for murder which was due to start in September of 2012. Scerbo related that Weakley was testifying on behalf of the Commonwealth against Hugo Selenski. Since Weakley was a "rat" he should be murdered. Scerbo

informed the undercover Pennsylvania State Trooper that Weakley needed to be murdered 2 months before the start of this trial. Scerbo informed the undercover Pennsylvania State Trooper that he would be paid \$1000.00 to murder Weakley.

On 4/26/12, at approximately 1315 hours, your affiants interviewed Scerbo. The interview took place within SCI-Retreat. Prior to being interviewed Scerbo was read and advised of his Miranda warnings. Scerbo read his Miranda warnings, signed a wavier stating that he understood his Miranda warnings, and agreed to be interviewed. The following is a synopsis of that interview and not the interview in its entirety: Scerbo informed your affiants that he had been incarcerated at Pike County Correctional Facility with Weakley sometime in 2008. Weakley informed Scerbo that he had "cut a deal" with Federal and Commonwealth prosecutors to serve a 30-60 year sentence for the murders of Michael J. Kerkowski and Tammy Fassett instead of a life sentence, in exchange for testifying on behalf of the Commonwealth against Selenski. Selenski had informed Scerbo that his trial was due to begin in September of 2012. Sometime in February of 2012 Scerbo informed an inmate at SCI Retreat of the situation. According to Scerbo, during this conversation, the inmate stated that since Weakley was a "rat" he needed to be "taken care of" (murdered). Scerbo agreed and asked if said inmate could arrange for Weakley's murder through one of his associates in the criminal gang he was purported to be associated with. Said inmate informed Scerbo that he would provide him with a name, address, and date of birth for a person who serves as a "hit man" for the criminal gang. Said inmate subsequently provided Scerbo with the information and Scerbo added the individual to his visitation list. Scerbo identified the person he met with "3 or 4" weeks ago as a black male wearing blue jeans and a blue flannel shirt. This description matches the undercover Pennsylvania State Trooper depicted in the video surveillance of this meeting on 3/29/12. Scerbo admitted requesting the murder of Weakley multiple times during this meeting. Scerbo stated he offered the "hit man" \$1000.00 for the murder of Weakley. Scerbo wanted Weakley murdered two or three months before the start of Selenski's trial.

With the above stated information and the facts set forth in this Affidavit of Probable Cause, your Affiants request that a Warrant of Arrest be issued for the defendant, Michael Joseph SCERBO.

April 27, 2012

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(Affiants)

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(Date)

April 27, 2012

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Affiants)

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(Date)